

APPENDIX

DCI POLICY ON RELEASE OF INTELLIGENCE  
INFORMATION TO CONTRACTORS AND CONSULTANTS<sup>1</sup>

1. So that Intelligence Community agencies may better discharge their responsibilities, they may release selected intelligence information and related materials (hereafter referred to as intelligence)<sup>2</sup> to contractors and consultants (hereafter referred to as contractors) without referral to the originating agency, provided that:

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<sup>1</sup> General policy is set forth in "Security Control on the Dissemination of Intelligence Information," effective \_\_\_\_\_ 1983. In accordance with paragraph 6c therein, Intelligence Community organizations agree that government-owned, contractor-operated (GOCO) laboratories performing classified services in support of the intelligence mission of an Intelligence Community organization, and which are designated authorized channels by the Senior Official of the Intelligence Community (SOIC) (as defined in Executive Order (EO) 12333) (or their designated representatives) concerned, are not considered contractors for the purposes of this policy statement. See "Security Policy for Sensitive Compartmented Information (SCI)," effective 28 June 1982, for minimum standards for control of SCI released to contractors.

<sup>2</sup> For purposes of this appendix, the terms "selected intelligence information and related materials" (or "intelligence") mean:

(1) "Foreign intelligence" and "counterintelligence" as these terms are defined in EO 12333.

(2) Information describing US foreign intelligence and counterintelligence activities sources and methods, equipment and methodology used for the acquisition, processing, or exploitation of such intelligence, foreign military hardware obtained for exploitation, and photography or recordings resulting from such US intelligence collection efforts.

(3) Intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, ACSI/Air Force, Naval Intelligence Command, DOE and the military commands. This specifically excludes Foreign Service reporting and SCI. Permission to release Foreign Service reporting must be obtained from the Department of State. Release of SCI is governed by lateral agreements and advisements between Intelligence Community organizations.

a. Release<sup>3</sup> is made only to private individuals or organizations certified by the Senior Official of the Intelligence Community (SOIC) (as defined in EO 12333) (or his/her designated representative) of the sponsoring organization as being under contract to the United States Government for the purpose of performing classified services in support of the mission of his/her or a member organization<sup>4</sup>; as having a demonstrated "need-to-know;" and an appropriate security clearance or access approval. If retention of intelligence by the contractor is required, the contractor must have an approved storage facility.

b. The SOIC of the sponsoring agency, or their designee(s), is responsible for ensuring that releases to contractors are made pursuant to this policy statement and through established channels.

c. The sponsoring agency maintains a record of material released.

d. Contractors maintain such records as will permit them to account for all intelligence received, disposed of or destroyed, produced and held by them for the duration of the contract, and to permit identification of all persons who have had access to intelligence in their custody.

e. Contractors do not reproduce any intelligence without the permission of the sponsoring agency, and classify, control and account for reproduced copies in the same manner as for originals.

f. Contractors destroy intelligence only according to guidelines and by standards set by the sponsoring agency.

g. Contractors make provisions to ensure that intelligence in their custody is not released to foreign nationals, whether or not they are employees or contractors themselves, except with the permission of the originating agency through the sponsoring agency.

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<sup>3</sup> Release is the authorized visual, oral, or physical disclosure of classified intelligence.

<sup>4</sup> Non-Intelligence Community government components under contract to fulfill an intelligence support role, may be treated as members of the Intelligence Community rather than as contractors. When so treated, it shall be solely for the specific purposes agreed upon and shall in no case include authority to disseminate further intelligence made available to them.

h. Contractors receiving intelligence do not release it: (1) to any of their components or employees not directly engaged in providing services under the contract; or (2) to any other contractor (including subcontractors), without the consent of the sponsoring agency (which shall verify that any second contractors satisfy all security requirements herein).

i. Contractors agree that all intelligence released to them, all reproductions thereof, and all other material they may generate based on or incorporating data therefrom (including authorized reproductions), remain the property of the US Government and will be returned upon request of the sponsoring agency or expiration of the contract, whichever comes first.

j. Sponsoring agencies arrange for and contractors agree that, upon expiration of contracts, (1) all released intelligence, all reproductions thereof, and all other materials based on or incorporating data therefrom, are returned to the sponsoring agency; or (2) all or a specified part of such items are retained by the contractor under all applicable security and accountability controls when the contractors have a specific need for such retention that are validated by sponsoring agencies.

k. Sponsoring agencies delete: (1) the CIA seal, (2) the phrase "Directorate of Operations," (3) the place acquired, (4) the field number, (5) the source description, and (6) field dissemination, from all CIA Directorate of Operations reports passed to contractors, unless prior approval to do otherwise is obtained from CIA.

2. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), National Intelligence Analytical Memoranda and Interagency Intelligence Memoranda may not be released to contractors. Such materials shall be marked NOT RELEASABLE TO CONTRACTORS/CONSULTANTS. However, information in them may be made available to contractors, without identification as national intelligence by the SOIC of the agency authorizing its release.

3. Intelligence which by reason of sensitivity of content bear control markings "CAUTION--PROPRIETARY INFORMATION INVOLVED," "NOT RELEASABLE TO CONTRACTORS/CONSULTANTS," or "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR," as contained in DCID, "Control of Dissemination of Intelligence Information," may not be released to contractors unless special permission has been obtained from the originator.

4. The contracting with private sector firms for operation of Intelligence Community all-source telecommunications centers (or similar activities) presents serious concerns regarding necessary

security protection for the wide range of sensitive intelligence flowing into such centers. It is DCI policy that use of contractors to operate an all-source telecommunications center in an Intelligence Community activity would necessitate exploring other channels (such as couriers) for delivery of intelligence information. While this would result in regrettable time delays, security requirements dictate that the Community not expose an unnecessarily wide range of intelligence information to contractor personnel.

5. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the DCI Security Committee.